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7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**  
9 **WESTERN DIVISION**  
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11	<hr/>	}	<b>Case No. LA CV 17-00495-VBF-AGR</b>
12	<b>RICHARD RODRIGUEZ,</b>		<b>ORDER</b>
13	Petitioner,		Overruling the Defendant's Objections &
14	v.		Adopting Report & Recommendation:
15	NANCY BERRYHILL		Vacating Commissioner's Decision and
16	(Acting Commissioner of Social Security),		Remanding for Further Proceedings
17	Respondent.	}	Directing Entry of Separate Judgment; Terminating and Closing Action (JS-6)
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19 The Court has reviewed plaintiff-appellant Richard Rodriguez's complaint, CM/ECF  
20 Document ("Doc") 1; defendant-appellee Commissioner's answer (Doc 13); the  
21 Administrative Record (Doc 14); the Joint Stipulation (Doc 17); the Magistrate Judge's July  
22 19, 2018 Report and Recommendation ("R&R") (Doc 19); defendant-appellee's timely  
23 objections to the R&R (Doc 21); plaintiff-appellant's timely response thereto; and the  
24 applicable law. As required by Fed. R. Civ. P. 72(b)(3), the Court has engaged in de novo  
25 review of the portions of the R&R to which defendant-appellee has specifically objected and  
26 finds no defect of law, fact, or logic in the R&R.

27 The Court finds discussion of the Acting Commissioner's objections to be  
28 unnecessary on this record. "The Magistrates Act 'merely requires the district judge to make

1 a de novo determination of those portions of the report or specified proposed findings or  
2 recommendation to which objection is made.” It does not require a written explanation of  
3 the reasons for rejecting objections. *See MacKenzie v. Calif. AG*, 2016 WL 5339566, \*1  
4 (C.D. Cal. Sept. 21, 2016) (citation omitted). “This is particularly true where, as here, the  
5 objections are plainly unavailing.” *Smith v. Calif. Jud. Council*, 2016 WL 6069179, \*2 (C.D.  
6 Cal. Oct. 17, 2016). Accordingly, the Court will accept the Magistrate’s factual findings and  
7 legal conclusions and implement her recommendation.

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9 ORDER

10 Defendant-appellee’s objection [**Doc # 21**] is **OVERRULED**.

11 The July 19, 2019 Report and Recommendation (“R&R”) [**Doc # 19**] is **ADOPTED**.

12 The decision of the Acting Commissioner of Social Security is **VACATED**.

13 This matter is remanded for proceedings consistent with the R&R.

14 Judgment consistent with this order will be entered separately as required by Fed. R.  
15 Civ. P. 58(a). *See Jayne v. Sherman*, 706 F.3d 994, 1009 (9th Cir. 2013).

16 **The case SHALL BE TERMINATED and closed (JS-6).**

17 **IT IS SO ORDERED.**

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19 Dated: August 6, 2018



20 Hon. Valerie Baker Fairbank  
21 Senior United States District Judge  
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